

MOONEY VS. MONEY

THE decent journals of the country are a unit in their attitude concerning the Mooney case and the effect of Governor Stephens' commutation of his sentence. One of the best articles on the subject appeared recently in Theodore Bonnet's excellent publication, *Town Talk*, of San Francisco. It is a fair and square statement of the plain facts, and should be read generally. The article follows:

It is passing strange that some of the public have fallen for the old stock-in-trade slogan voiced by the chief counsel of Mr. Mooney, that is by Maxwell McNutt, who published repeatedly the statement that this was a case of money fighting Mooney. When the real facts of this extraordinary campaign are exposed it will show that money and Mooney throughout this fight were bad-fellows. The old days when capital and money fought the poor man have passed. A man must be a labor man to be elected to the legislature or to be elected to the position of mayor, or even to go to the house of representatives or the United States senate. That is so well known now that to deny it is a joke. There was more money spent in the "defense of Mooney" than was spent in the defense of Stokes, who killed the celebrated Jim Fiske for the love of Josephine Helen Mansfield.

There were more bucketsful of money spent for the "defense of Mooney" than was spent in the defense of Thaw for the cold-blooded killing of Stanford White over the affection of Evelyn Nesbit. In fact there never was so much money spent for the defense of any man, as there has been for Mooney. Thaw and his connections were millionaires, and they went broke defending Thaw. Stokes was a millionaire and he went broke in his defense. Mooney is a poor man and yet a million dollars were raised all over the world for his defense and in California alone over \$109,000 up to January 1, 1918, of which it is said that \$50,000 were spent for attorneys' fees. Not only the best talent in the state of California was called upon, but Bourke Cochran, the forensic leader of the bar of the Empire state, was brought all the way from New York to San Francisco to raise his eloquent voice in the defense of the bomb throwers. On Fickert's side he was handicapped by a limitation of funds. The board of supervisors and the mayor of this city allowed \$2,500 for some of the trials and \$1,500 for the others, and that is all the money that was raised on the side of the prosecution. Fickert himself is a graduate of Stanford University and so are several of the assistants in his office, and he came fresh from his baccalaureate laurels with a clean record to try these cases and has become the subject of vituperation and abuse, when, if he had been complacent or had favored the defense and allowed these men to escape he would have been hailed by labor socialism and the forces of anarchy as the new evangel of California justice.

Attack on Densmore.

That dictaphone report with lurid charges by John P. Densmore, who shot it off, and then escaped to Portland, was the subject of condemnation by the Down Town association. On the 30th ultimo in its resolutions it denounced as a gross slander and as an unwarranted attack upon the fair name of San Francisco the following paragraph of Densmore's opinion of the City by the Golden Gate: "A man has no chance if they start to get him in San Francisco. They can jostle a man off the street, beat him, and have a dozen witnesses testify that he pulled a gun and started the fight. It is worse than New York. I have been in nearly every city in the United States and San Francisco is worse than any of them." It is a natural sequence that if any man in San Francisco believes Densmore, he will also believe that Thomas J. Mooney is a martyr and that it is a good thing to kill the women and men who had

appeared upon Market and Steuart streets, to carry aloft the American flag in an effort to prepare the country against the Huns or any other nation that might attack us. The Down Town Association sent a copy of their resolution to Secretary of Labor W. B. Wilson. It would be interesting to know what the secretary of labor's opinion is of the Down Town Association. Probably it would be just as well not to print his opinion.

Judge Franklin A. Griffin's Attitude.

It was before Judge Franklin A. Griffin, that the jury that tried Thomas J. Mooney for murder was impaneled, and before him the case was tried, and it resulted in a unanimous verdict of the jury of the conviction of murder of the first degree. It was before Judge Franklin A. Griffin that the defendant, Mooney, through his corps of attorneys asked that the verdict be set aside and that a new trial be granted. Judge Griffin reviewed the trial and the testimony given at the trial, which lasted from January 3, 1917, till the day of the verdict, on February 10, 1917, and must have been convinced that Mooney was guilty of the murder of Myrtle Irene Van Loo of Merced, California, one of the many bomb victims, for he denied the motion for new trial. If Judge Griffin believed that a human being's neck was about to be stretched for a crime for which he was not guilty, he should have granted a new trial although the jury unanimously decided otherwise. He has full power under the law to set aside any verdict. Experts on criminal law have called attention to the ruling of the state supreme court, where they held repeatedly "The Judge should set aside the verdict whenever he is not satisfied with it upon the evidence, and his order in that regard will not be disturbed on appeal if the evidence is substantially conflicting." In other words, Judge Griffin was at the time of the trial evidently fully convinced of Mooney's guilt of murder in the first degree and believed he should be hanged or else he would have granted him a new trial. It is true that it is claimed that the Oxman testimony was proven to be perjury.

Oxman was tried and found innocent of any perjury in the case, but, however, it could not be said that Judge Griffin denied the new trial because he relied solely on Oxman. He had before him the record in the Billings case—Billings was convicted of murder of the same victims as the accomplice of Mooney and if Billings was guilty when Mooney was guilty and if Mooney was innocent Billings must have been innocent. The opinion of the supreme court stated that loose bullets and cartridge shells of calibers .22, .32 and .38 were found on Steuart street and in the bodies of some of the victims were bullets of .32 and .22 caliber, and in Mooney's home a pistol with .38 and .32 caliber cartridges was found, while in Billings' room was a .22 caliber rifle with some cartridges to fit it, a .32 caliber pistol with .32 caliber cartridges, while parts of two ball bearings five-eighths of an inch in diameter were found on Steuart street. One witness testified he saw Billings deposit a suit case near Market street on Steuart street and after depositing it he, Billings, walked to the door of the saloon and at that instant Mooney came out and they talked together. Mooney pulling out his watch, looking at the ferry clock, and looking towards the case where the suit case was. Then both disappeared. Independently of this witness there were other witnesses who saw Billings with a suit case at 721 Market street, on the roof; another witness saw Billings later on talking to the police officer, Earl R. Moore, while at that moment of time Mooney and his wife came from the direction of 721 Market street, and that Billings walked over and met Mooney in the middle of the sidewalk when Mooney and Billings both walked towards the ferry and about the same time saw Weinberg get into an automobile which stood where Billings was talking to the police officer. No one ques-

tioned Police Officer Earl R. Moore, who said he talked to Billings in front of 721 Market street shortly before the parade while Moore was clearing the street in preparation for the procession.

Woodrow Wilson's Attitude.

Governor William D. Stephens' order in which he commuted the sentence of Thomas J. Mooney brings to light the attitude of President Woodrow Wilson on the Mooney case so clearly that it dissipates a flood of small statements and rumors published and spread broadcast over the country with regard to the president desiring that Mooney should have a new trial or be pardoned. It was laid at President Wilson's door that he interfered with the courts in California, and with the action of the people of the state in prosecuting their criminals for murder of their citizens, but the letter of Governor Stephens shows that that is not true. No doubt if President Woodrow Wilson believed that Mooney had an unfair trial, he would have said so and done something with regard to giving him a new trial, but notwithstanding the thousand and one appeals made to President Wilson, he has stood like adamant, against suggesting anything with regard to Mooney's case, except that his sentence should be commuted, not on the ground that Mooney had been a man of good life and repute prior to his conviction or that his antecedents were clear of crime, or that any of the decisions of the juries or the courts were corrupt, or wrong, but simply on the ground that a war was then pending between the United States and Germany, and all the civilized nations of the earth were more or less embroiled, and that it might bring about international complications if Mooney should be hanged, instead of having his sentence commuted to life. President Woodrow Wilson sent two telegrams. The first on March 27, last, when he suggested a commutation of the sentence only on account of "certain international affairs, which his execution would greatly complicate."

The same telegram on June 2, was to the same effect where he suggested not to pardon, but "a commutation of the death sentence imposed upon Mooney." And this telegram was on account of the "international significance which attaches to it." It is evident that President Wilson did not take any stock in any other ground, but he knew that working men in Russia and the working men in Copenhagen and England and elsewhere were holding meetings, prompted by the Mooney propaganda, in which they believed a workingman was going to be hanged by the capitalists, simply because he was a workingman. Mooney therefore has to thank the state of war existing between Germany and the United States and the then existing international complications, when President Wilson sent his two telegrams in March and June, last, as otherwise he undoubtedly would not have deserved or received the consideration which he has received and he can thank the saving of his neck to the world war and the president's fear of possible international complications.

Botchkarova, the commander of the Russian "Legion of Death," was a maitresse femme, according to Florence Harper. It is impossible to think of her as a woman. She is muscular and strong. She walks and talks like a man, and she has the face of a man. She has as much pride in her physical strength as she has in being the first woman officer of the first women's battalion. It is said that a great many girls left the first battalion because of the discipline. That is partially true, but a great many of these girls left the first battalion because they could not stand the personal conduct of Botchkarova. This was proved by the fact that 8 per cent of these girls joined the second battalion and made good soldiers.

"Doesn't peeling onions make you weep?"
"No, but paying 20 cents a pound for 'em does."
—Boston Transcript.